

SUBJECT: Exempting TCEQ from requirement to investigate certain complaints

COMMITTEE: Environmental Regulation — favorable, without amendment

VOTE: 5 ayes — Landgraf, K. Bell, Dean, Kuempel, J. Lopez
4 nays — Guerra, Meza, Morales Shaw, Reynolds

SENATE VOTE: On final passage (April 27) — 22 - 9

WITNESSES: For — (*Registered, but did not testify:* Matthew Posey, TACA; Billy Phenix, Texas & Southwestern Cattleraisers Association; Josh Winegarner, Texas Cattle Feeders Association)

Against — Melanie Oldham, Better Brazoria Clean Air and Water; Eric Allmon, Citizens to Protect North Texas Clean Air, Salado Creek Water and Air Coalition; Adrian Shelley, Public Citizen; Tim Doty, TCHD Consulting; Robin Schneider, Texas Campaign for the Environment; Chap Ambrose; Jim Camp; Margaret Solice (*Registered, but did not testify:* Jason Sabo, Environment Texas; Sandra Haverlah, Environmental Defense Fund; Cyrus Reed, Lone Star Chapter Sierra Club; Bill Kelly, Mayor’s Office, City of Houston; Danielle Goshen, National Wildlife Federation; Wendy Erisman; Jacqueline Moody-Fuller; Susan Thomson)

On — Kristi Mills-Jurach, Texas Commission on Environmental Quality; Mary Evans

BACKGROUND: Some have suggested that not requiring TCEQ to investigate certain redundant or unsubstantiated complaints would allow the agency to focus more time and resources on investigating legitimate violations.

DIGEST: SB 471 would establish that the Texas Commission on Environmental Quality (TCEQ) would not be required to investigate a complaint if:

- the complaint could be addressed during other TCEQ activities; or
- there was no reasonable probability that TCEQ could substantiate

the complaint and the complaint was repetitious or redundant of certain other unsubstantiated complaints investigated in the preceding 12 months, or the complainant had filed in the preceding seven years at least five unsubstantiated complaints.

TCEQ also would not be required to provide information about the policies and procedures relating to the complaint investigation and resolution or notice of the investigation status to a complainant who filed a complaint that met the above criteria.

The bill would take effect September 1, 2023, and would apply only to a complaint filed on or after that date.